

STATE OF MICHIGAN  
COURT OF APPEALS

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SHARON DOBBS, Conservator of the Estate of  
RALPH WATSON,

UNPUBLISHED  
February 16, 2001

Plaintiff-Appellee,

v

No. 219885  
Wayne Circuit Court  
LC No. 97-737249-CZ

GINGER CRIDER,

Defendant-Appellant,

and

JOHN DOE,

Defendant.

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Before: Bandstra, C.J., and Griffin and Collins, JJ.

PER CURIAM.

Defendant appeals of right the summary disposition order pursuant to MCR 2.116(C)(10). We affirm.

Defendant argues that by denying her motion for summary disposition but granting plaintiff's motion for summary disposition, the trial court improperly reversed its earlier decision. We disagree.

We review a trial court's grant or denial of summary disposition de novo. *Spiek v Dep't of Transportation*, 456 Mich 331, 337; 572 NW2d 201 (1998). Summary disposition of all or part of a claim or defense may be granted when "[e]xcept as to the amount of damages, there is no genuine issue as to any material fact, and the moving party is entitled to judgment or partial judgment as a matter of law." MCR 2.116(C)(10). The moving party must specifically identify the matters that have no disputed factual issues, MCR 2.116(G)(4), *Maiden v Rozwood*, 461 Mich 109, 120; 597 NW2d 817 (1999), and that party has the initial burden of supporting his position by affidavits, depositions, admissions, or other documentary evidence. *Smith v Globe Life Ins Co*, 460 Mich 446, 455; 597 NW2d 28 (1999).

Defendant neither stated in her motion what facts were not in dispute nor did she provide any documentary evidence. Therefore, the trial court was forced, at that time, to conclude that material issues of fact did exist and properly denied defendant's motion.

Plaintiff, on the other hand, outlined the elements of fraudulent conveyance, MCL 566.14; MSA 26.881,<sup>1</sup> and supplied documentary evidence, in the form of deposition testimony, during which she admitted the truth of the claims. At that point, the burden shifted to defendant to show a disputed fact with documentary evidence. *Smith, supra* at 455. However, defendant failed to state what facts remained in dispute and did not provide documentation of any disputed facts. Therefore, summary disposition in favor of plaintiff was proper in spite of the court's earlier ruling on the same issue.

Next, defendant argues that the trial court erred in refusing to reconsider the motion in favor of plaintiff. MCR 2.119(F)(3). Defendant did not provide any new evidence or argument to the trial court in her motion for reconsideration. She merely outlined her previous argument again for the court. Because the trial court properly granted summary disposition to plaintiff and defendant did not provide any new evidence of disputed facts, the motion for reconsideration was properly denied.

Affirmed.

/s/ Richard A. Bandstra  
/s/ Richard Allen Griffin  
/s/ Jeffrey G. Collins

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<sup>1</sup> MCL 566.14; MSA 26.881 was repealed by PA 1998, No. 434, § 13, Imd. Eff. December 30, 1998. The subject is now covered under MCL 566.34-35; MSA 26.895(4)-(5).